

ESTTA Tracking number: **ESTTA76338**Filing date: **04/14/2006**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Gianni Versace S.p.A.		
Entity	Corporation	Citizenship	Italy
Address	Via Manzoni, 38 Milan, 20121 ITALY		

Attorney information	Julie B. Seyler Abelman Frayne & Schwab 666 Third Avenue New York, NY 10017 UNITED STATES jbseyler@lawabel.com Phone:212-949-9022
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Applicant Information

Application No	78666167	Publication date	03/21/2006
Opposition Filing Date	04/14/2006	Opposition Period Ends	04/20/2006
Applicant	Rodriguez, Jose 745 E. 6th st. apt #4c New York, NY 10009 UNITED STATES		

Goods/Services Affected by Opposition**Class 025.**

All goods and services in the class are opposed, namely: Clothing, namely, shirts, T-shirts, under shirts, night shirts, rugby shirts, polo shirts, cardigans, jerseys, uniforms, athletic uniforms, pants, trousers, slacks, jeans, denim jeans, overalls, coveralls, jumpers, jump suits, shorts, boxer shorts, tops, crop tops, tank tops, halter tops, sweat shirts, sweat shorts, sweat pants, wraps, warm-up suits, jogging suits, track suits, blouses, skirts, dresses, gowns, sweaters, vests, fleece vests, pullovers, snow suits, parkas, capes, anoraks, ponchos, jackets, reversible jackets, coats, blazers, suits, turtlenecks, cloth ski bibs, swimwear, beachwear, tennis wear, surf wear, ski wear, infantwear, baby bibs not of paper, caps, swim caps, berets, beanies, hats, visors, headbands, wrist bands, sweat bands, headwear, ear muffs, aprons, scarves, bandanas, belts, suspenders, neckwear, neckties, ties, neckerchiefs, ascots, underwear, briefs, swim and bathing trunks, bras, sports bras, brassieres, bustiers, corsets, panties, garters and garter belts, teddies, girdles, foundation garments, singlets, socks, loungewear, robes, bathrobes, underclothes, pajamas, sleepwear, night gowns, lingerie, camisoles, negligees, chemises, chemisettes, slips, sarongs, leg warmers, hosiery, pantyhose, body stockings, knee highs, leggings, tights, leotards, body suits, unitards, body shapers, gloves, mittens, footwear, shoes, sneakers, boots, galoshes, sandals, zori, slippers and rainwear

Attachments	medusa.opp.pdf (5 pages)
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Signature	/Julie B. Seyler/
Name	Julie B. Seyler
Date	04/14/2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application No. 78/666167
Published March 21, 2006

Gianni Versace S.p.A.
Opposer,

v.

Jose Rodriguez,
Applicant.

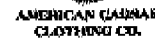
Opposition No.

NOTICE OF OPPOSITION

Gianni Versace S.p.A, a corporation organized and existing under the laws of Italy, with an office at Via Manzoni, 38, 20121 Milan, Italy, hereby believes that it will be damaged by registration of the mark shown in Application Serial No. 78/666167 and hereby opposes the same.




As grounds for opposition, it is alleged that:




1. Applicant is seeking to register the mark , (hereinafter referred to as “Applicant’s **MEDUSA HEAD Mark**”) for “clothing, namely, shirts, T-shirts, under shirts, night shirts, rugby shirts, polo shirts, cardigans, jerseys, uniforms, athletic uniforms, pants, trousers, slacks, jeans, denim jeans, overalls, coveralls, jumpers, jump suits, shorts, boxer shorts, tops, crop tops, tank tops, halter tops, sweat shirts, sweat shorts, sweat pants, wraps, warm-up suits, jogging suits, track suits, blouses, skirts, dresses, gowns, sweaters, vests, fleece vests, pullovers, snow suits, parkas, capes, anoraks, ponchos, jackets, reversible jackets, coats, blazers, suits, turtlenecks, cloth ski bibs, swimwear, beachwear, tennis wear, surf wear, ski wear, infantwear, baby bibs not of paper, caps, swim caps, berets, beanies, hats, visors, headbands, wrist bands, sweat bands, headwear, ear muffs, aprons, scarves, bandanas, belts, suspenders,

neckwear, neckties, ties, neckerchiefs, ascots, underwear, briefs, swim and bathing trunks, bras, sports bras, brassieres, bustiers, corsets, panties, garters and garter belts, teddies, girdles, foundation garments, singlets, socks, loungewear, robes, bathrobes, underclothes, pajamas, sleepwear, night gowns, lingerie, camisoles, negligees, chemises, chemisettes, slips, sarongs, leg warmers, hosiery, pantyhose, body stockings, knee highs, leggings, tights, leotards, body suits, unitards, body shapers, gloves, mittens, footwear, shoes, sneakers, boots, galoshes, sandals, zori, slippers and rainwear in Class 25.

2. Opposer is the owner of the **MEDUSA HEAD Mark** as reflected below:

Trademark	Goods	Registration No.
	Cosmetics, namely, night and day cream, cleaning preparations for the face and body, bathfoam, shaving foam, aftershave, foundation makeup, nail polish, deodorants for men and women, essential oils for personal use for men and women, hand and baby soap, hair shampoo and rinses, hair spray, toothpaste and fragrances, namely, perfume, toilet water	2,081,230
	Lace trim and embroidery, ribbons and braid; clothing buttons, press buttons, hooks and eyes, straight and safety pins and needles; artificial flowers	2,078,918
	Retail store services featuring apparel, jewelry, fragrances, cosmetics, sunglasses, spectacles frames, luggage, belts, paper goods, stationery, playing cards, furniture, mirrors, picture frames, household and toilet utensils, glassware, carpets, games, playthings, sporting articles, and accessories relating to the aforesaid goods; business management services, namely, hotel management in Class 35; Restaurant, bar and cocktail lounge services; providing temporary accommodations in the nature of hotels, motels, boarding houses, guest houses, and tourist homes; and beauty salon and hairdressing services in Class 42	2,911,909

	<p>Cosmetics, namely night and day creams, cleaning preparations for the care of the face and body, bath-foam, shaving foam, aftershaves, foundation makeup, nail polish, deodorants for men and women, hand and body soaps, hair shampoos and rinses, hair spray, toothpaste and fragrances, namely perfume, toilet water and essential oils for personal use for men and women; Articles made of precious metals and alloys of precious metals with or without precious stones, namely rings, necklaces, bracelets, brooches, earrings, tie clips, cuff-links, diamonds, jewelry cases made of precious metal, watches, clocks, chronometers, watch cases, costume jewelry; Leather and imitation of leather sold in bulk, handbags, wallets, luggage, attache cases, tote bags, briefcases, sport bags, traveling trunks, carry-on bags, shoulder bags, garment bags for traveling, key cases, umbrellas, parasols, walking sticks, whips, harnesses, saddlery; leather key chains; Fabric for textile use, fabric of imitation animal skins, fabric for boots and shoes, bath linen; bed linen; blankets; curtains; unfitted furniture covers; handkerchiefs; kitchen towels; textile wall hangings; Clothing for men, women and children, namely belts, coats, raincoats, waistcoats, blouses and pullovers, jackets, trousers, skirts, dresses, suits, shirts and chemises, T-shirts, sweaters, underwear, socks and stockings, gloves, ties, scarves, hats and caps, boots, shoes and slippers.</p>	<p>2,980,455</p>
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3. Opposer has used the **MEDUSA HEAD** trademark (hereinafter referred to as “**Opposer’s MEDUSA HEAD Mark**”) in commerce long prior to July 8, 2005, the filing date of Applicant’s intent to use application.

4. **Opposer’s MEDUSA HEAD Mark** is famous.

5. Opposer has priority.

6. **Applicant's MEDUSA HEAD Mark** is visually and connotatively similar to the **Opposer's MEDUSA HEAD Mark**, and would be referred to as a MEDUSA HEAD in the same way Opposer's mark would be referred to as a MEDUSA HEAD.

7. Applicant's goods are identical to or otherwise commercially related to Opposer's goods and therefore the respective goods and services of Applicant and Opposer would travel in the same trade channels, be sold in the same retail outlets, and be purchased by the same class of consumers.

8. Given the fame and renown of **Opposer's MEDUSA HEAD Mark**, the addition of the words AMERICAN CAESAR CLOTHING CO. in Applicant's mark is not sufficient to negate the likelihood that purchasers will be confused, mistaken or deceived as to source.

9. Given the fame and renown of **Opposer's MEDUSA HEAD Mark**, purchasers are likely to mistakenly assume that Opposer has licensed and/or otherwise sponsored Applicant.

10. In view of the substantial similarity between Opposer's marks and Applicant's mark and the commercial relationship between the goods and services, registration of Applicant's mark is likely to cause confusion, mistake or deception to purchasers as to the source of Applicant's goods, and therefore it is requested that the registration to applicant be refused under Section 2(d) of the Trademark Act

11. Opposer incorporates Paragraphs 1-12 and further alleges that it believes that it will be damaged by registration of Application No. 78/666167 because it dilutes **Opposer's MEDUSA HEAD Mark**.

12. **Opposer's MEDUSA HEAD Mark** has been in use in commerce for a significant amount of time and as a result of this long term use in commerce, the mark is famous.

13. **Opposer's MEDUSA HEAD Mark** is distinctive and well known.

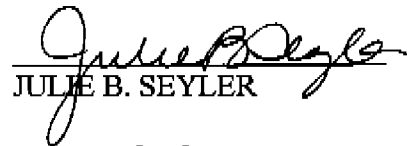
14. Opposer has expended substantial time and money promoting and advertising **Opposer's MEDUSA HEAD Mark**.

15. The trade channels in which the goods and services identified under **Applicant's MEDUSA HEAD Mark** move are identical, in part, to the trade channels in which the goods and services identified under **Opposer's MEDUSA HEAD Marks** move.

16. To the best of Opposer's knowledge, there are no other third parties which are using or which have registered a Medusa Head or variations thereof on clothing or cosmetics or hair care products.

WHEREFORE, Opposer believes that it will be damaged by the registration of Application Serial No. 78/666167 and respectfully requests that registration be refused and this opposition be sustained.

Respectfully submitted,


JULIE B. SEYLER

Attorney for Opposer

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